

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of C.D.B. and B.D.K., Minors.

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KIMBERLY ROCHELLE FITZPATRICK,

Petitioner-Appellee,

v

CARLETTE DOREEN BRADLEY,

Respondent-Appellant,

and

MICHAEL KENNEDY and RAYMOND  
STEWART,

Respondents.

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KIMBERLY ROCHELLE FITZPATRICK,

Petitioner-Appellee,

v

CARLETTE DOREEN BRADLEY,

Respondent,

and

MICHAEL KENNEDY,

Respondent-Appellant,

and

RAYMOND STEWART,

Respondent.

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UNPUBLISHED

October 29, 2002

No. 236412

Wayne Circuit Court

Family Division

LC No. 99-376173

No. 236492

Wayne Circuit Court

Family Division

LC No. 99-376173

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Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

PER CURIAM.

In these consolidated cases respondents appeal as of right the trial court's order terminating their parental rights to their children pursuant to MCL 712A.19b(3)(f)(i) and (ii).<sup>1</sup> We affirm in both cases. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

Petitioner began caring for the children when each was only a few months old. Petitioner became the children's legal guardian and received authority to adopt them. Subsequently, petitioner filed a petition seeking termination of respondents' parental rights.<sup>2</sup>

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold that the trial court did not clearly err in finding that clear and convincing evidence existed to terminate respondents' parental rights. Respondent Bradley provided no financial support for the children during the two-year period prior to the filing of the petition to terminate parental rights, and provided small gifts to the children on only four occasions during that period. Respondent Kennedy claimed that he gave money to respondent Bradley for his child's support; however, no evidence showed that any money was given to petitioner.

Respondent Bradley asserted that she visited the children on a regular basis; however, petitioner testified that respondent Bradley would not visit the children for two or three months at a time. Respondent Kennedy contended that he was not allowed to visit his child at petitioner's home, but that he visited the child at the home at which respondent Bradley resided and at church. This testimony was contradicted by testimony from petitioner's mother, who stated that she saw respondent Kennedy at respondent Bradley's residence on only one occasion, and that the child did not recognize respondent Kennedy as the child's father during contact at church. The trial court determined that the testimony given by petitioner and her mother was more credible than that given by respondents. The testimony given by petitioner and her mother

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<sup>1</sup> Respondent Michael Kennedy is the father of B.D.K., but is not the father of C.D.B. The trial court's order terminated respondent Kennedy's parental rights to B.D.K. only. The trial court's order also terminated the parental rights of respondent Raymond Stewart, the putative father of C.D.B. Stewart has not appealed the order.

<sup>2</sup> The filing of such a petition by a guardian is specifically authorized by MCL 712A.19b(1).

supported the trial court's finding that respondents substantially failed without good cause to maintain contact with the children.

The trial court did not clearly err in finding that termination of respondents' parental rights was warranted under MCL 712A.19b(3)(f)(i) and (ii) (the child has a guardian and the parent, having the ability to provide support and remain in contact with the child, has without good cause failed to do so). Furthermore, the trial court did not clearly err in finding that termination of respondents' parental rights was in the children's best interests. MCR 5.974(I).

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra